

M E M O R A N D U M

TO: STANLEY ROBERTS, Water Commissioner
FROM: DONALD C. NORSETH, Directing Engineer
DATE: MAY 26, 1980
SUBJECT: PROVO RIVER DISTRIBUTION

Complaints have been received concerning the submission of the Bi-Monthly Provo River Report and the Annual Commissioners Report of Distribution of the Waters of the Provo River too late for use by the water users.

To clarify the situation as to due date of the reports, the following is directed:

1. The annual report is to be submitted at the annual meeting, or March 1st, whichever is later.
2. The bi-monthly report is to be prepared, not later than 7 days after the two week period, or five days after you have received the information needed from Mr. Hugh McKellar.

The Provo River Decree does not define the period of use for the irrigation season, but leaves it up to the Commissioner to see that water is not used for irrigation in the non-irrigation period and that power, Municipal, and domestic uses are throughout the year. April 1 or when the water is in the major canals has been used as a "rule of thumb" with the Commissioners determining when irrigation would be beneficial.

Page 75 of the Provo River Decree states the following:

And that all the rights declared and decreed herein, for irrigation purposes, include the right to divert and use water for irrigation, culinary, domestic and agricultural purposes connected therewith. And such rights of diversion and use for culinary, and domestic purposes are continuous throughout the year, and are limited to the quantity reasonably necessary for said uses. And such rights of diversion and use for irrigation purposes is confined to the irrigation season of each year, and none of said parties shall divert or use any of said waters, (except for culinary and domestic purposes as hereinbefore provided,) during the non-irrigating season -- after the necessity for such use for irrigation purposes has ceased in the Autumn of each year and until it is necessary to use the same for irrigation purposes in the Spring of the year following. The Commissioner, herein provided for, shall enforce the provisions of this paragraph, particularly to restricting the quantity of diversion of water during the non-irrigating season in each year whenever such diversion will in any way or at all interferes with the use of said waters by the parties herein awarded water for the generation of power. And that any party to this action, his heirs, executors, administrators, successors and assigns, who is dissatisfied with the regulations or rules imposed by the said Commissioner, may apply to the Court, by written application and said application may be heard upon affidavits or oral testimony as the parties may elect, for a review thereof and an order of direction in the premises.

Pending a firm period established by the court, it would appear advisable that we retain past practices.

if